

REMARKS/ARGUMENTS

In the Office Action mailed March 9, 2008, claims 1-15, 17, 18, 20, and 21 were rejected. Additionally, claim 16 was objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant hereby requests reconsideration of the application in view of the below-provided remarks. No claims are amended, added, or canceled.

Claim Rejections under 35 U.S.C. 103

Claim 12 was rejected under 35 U.S.C. 102(e) as being unpatentable over Key et al. (U.S. Pat. No. 6,272,621, hereinafter Key) in view of Rhoades et al. (U.S. Pat. Pub. No. 2003/0041163, hereinafter Rhoades). Additionally, claims 1, 2, and 3 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoades in view of Van Lunteren et al. (U.S. Pat. No. 7,193,997, hereinafter Van Lunteren). Additionally, claims 6, 7, 11, 14, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Key in view of Rhoades and Van Lunteren. Additionally, claims 13, 17, 18, 20, and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Key in view of Rhoades and Kaganai et al. (U.S. Pat. Pub. No. 2003/0012198, hereinafter Kaganai). Additionally, claims 4 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoades modified by Van Lunteren and further in view of Khanna (U.S. Pat. No. 7,219,187, hereinafter Khanna). Additionally, claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Key modified by Rhoades and Van Lunteren and further in view of Khanna. Additionally, claims 8 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Key modified by Rhoades and Van Lunteren and further in view of Kaganai. However, Applicant respectfully submits that these claims are patentable over Key, Rhoades, Van Lunteren, Kaganai, and Khanna for the reasons provided below.

Independent Claim 12

Claim 12 recites “wherinc the first and second stage processing elements are configured to allow the second stage processing element to perform search-independent processing related to a packet in parallel with a search of the first stage memory unit.

where the search is related to the same packet" (emphasis added). For a proper contextual understanding, it should be noted that the "same packet" refers to the packet related to both 1) the search-independent processing, and 2) the search of the first stage memory unit.

In contrast, the analysis presented in the Office Action for the rejection of claim 12 does not address a "same packet" that is related to both search-independent processing and a search of a first stage memory unit, as recited in the claim. The Office Action merely states that:

Rhoades teaches in **Fig. 8, Perform Table Lookup** (a search of a first stage memory unit) is processed in parallel with **Transmission Error Detection – Packet Lifetime Calculations** (a second stage processing element, to allow a second stage processing element to perform search-independent processing related to a packet in parallel with a search of the first stage memory unit). Rhoades teaches, further in detail, Fig. 14 table look up with internal/external RAM and [0083] adjacent PEs [processing elements] have close-coupled inter-processor communication paths that provide a low cost means of sharing and aggregating the results from individual PEs simultaneously with the parallel processing itself, as shown in Fig. 8 of Rhoades. Office Action, 3/9/09, page 2.

While this referenced text from the Office Actions refers to some of the language of the claim, there is no reference within the indicated response from the Examiner to address the claim language related to the "same packet." Specifically, there is no explanation or analysis in the Office Action to attempt to show how the **Fig. 8, Perform Table Lookup and the Transmission Error Detection – Packet Lifetime Calculations** might operate with respect to the same packet. Moreover, although the text on page 4 of the Office Action acknowledges this claim language related to the "same packet," the analysis provided on page 4 of the Office Action also fails to explain how the **Fig. 8, Perform Table Lookup and the Transmission Error Detection – Packet Lifetime Calculations** referred to in the Office Action might operate with respect to the same packet.

As stated in Applicant's previous response, in light of this failure to address all of the limitations of the claim, the Office Action fails to establish a *prima facie* rejection of claim 12 under 35 U.S.C. 103. In order to establish a *prima facie* rejection of a claim under 35 U.S.C. 103, the Office Action must present a clear articulation of the reason

why the claimed invention would have been obvious. MPEP 2142 (citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. __ (2007)). The analysis must be made explicit. Id. Additionally, rejections based on obviousness cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Id.

Here, the Office Action continues to fail to meet the minimum requirements to establish a *prima facie* rejection of the claim because the Office Action does not present articulated reasoning with some rational underpinning to explain how the Fig. 8,

Perform Table Lookup and the Transmission Error Detection – Packet Lifetime

Calculations of Rhoades might relate to the “same packet,” as recited in the claim. As a result of failing to address all of the language of the claim and establish a *prima facie* rejection, the burden of proof does not shift to Applicant. Rather, the burden of proof continues to rest with the Examiner to show how the cited references might teach all of the limitations of the claim. Accordingly, Applicant respectfully requests that the rejection of claim 12 under 35 U.S.C. 103(a) be withdrawn because the Office Action fails to establish a *prima facie* rejection.

Independent Claims 1, 6 and 18

Applicant respectfully asserts independent claims 1, 6, and 18 are patentable over the proposed combinations of cited references at least for similar reasons to those stated above in regard to the rejection of independent claim 12. Each of claims 1, 6, and 18 recites subject matter which is similar to the subject matter of claim 12 discussed above. Although the language of these claims differs from the language of claim 12, and the scope of these claims should be interpreted independently of other claims, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 12 also apply to the rejection of these claims.

Dependent Claims

Claims 2-5, 7-11, 13-17, 20, and 21 depend from and incorporate all of the limitations of the corresponding independent claims 1, 6, 12, and 18. Applicant respectfully asserts claims 2-5, 7-11, 13-17, 20, and 21 are allowable based on allowable

base claims. Additionally, each of claims 2-5, 7-11, 13-17, 20, and 21 may be allowable for further reasons.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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Date: May 11, 2009

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